

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID LITTLEFIELD, MICHELLE LITTLEFIELD,
TRACY ACORD, DEBORAH CANARY, FRANCIS
CANARY, JR., VERONICA CASEY, PATRICIA
COLBERT, VIVIAN COURCY, WILL COURCY,
DONNA DeFARIA, ANTONIO DeFARIA, KIM
DORSEY, KELLY DORSEY, FRANCIS LAGACE,
JILL LAGACE, DAVID LEWRY, KATHLEEN LEWRY,
MICHELE LEWRY, RICHARD LEWRY, ROBERT
LINCOLN, CHRISTINA McMAHON, CAROL
MURPHY, DOROTHY PEIRCE, DAVID PURDY
and LOUISE SILVA,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE INTERIOR,
1849 C Street, N.W., Washington DC 20240, SALLY
JEWELL, in her official capacity as Secretary, U.S.
Department of the Interior, 1849 C Street, N.W.,
Washington, DC 20240, BUREAU OF INDIAN
AFFAIRS, U.S. Department of the Interior, 1849 C Street,
N.W., Washington, DC 20240, LAWRENCE ROBERTS,
in his official capacity as Acting Assistant Secretary -
Indian Affairs, U.S. Department of the Interior, 1849 C
Street, N.W., Washington, DC 20240, UNITED STATES
OF AMERICA.

Defendants.

Civil Action No.
1:16-CV-10184-ADB

THE MASHPEE WAMPANOAG INDIAN TRIBE'S MOTION TO INTERVENE

The Mashpee Wampanoag Indian Tribe ("the Tribe" or "the Mashpee") respectfully moves this Court for an order granting its intervention as a defendant in the above-captioned case under Federal Rules of Civil Procedure 24(a) or 24(b). The Tribe seeks to intervene in order to:

1) participate in any motion practice remaining in the District Court; and 2) appeal the Court's July 28, 2016 Memorandum and Order ("the Order"), all of which will profoundly affect the Tribe's rights. Memorandum & Order, Jul. 28, 2016 (Dkt. No. 87), at 22. The Department of the

Interior assets to the Tribe's intervention on a permissive basis under Rule 24(b).

In support of this motion, the Tribe submits the accompanying memorandum of law and the Affidavit of Cedric Cromwell, Chairman of the Tribe and President of the Mashpee Wampanoag Gaming Authority.

Respectfully submitted,
MASHPEE WAMPANOAG INDIAN TRIBE,
By its attorneys,

/s/ Benjamin J. Wish
Howard M. Cooper, Esq. (BBO#543842)
hcooper@toddweld.com
Max D. Stern, Esq. (BBO#479560)
mstern@toddweld.com
Benjamin J. Wish, Esq. (BBO#672743)
bwish@toddweld.com
TODD & WELD LLP
One Federal Street, 27th Floor
Boston, MA 02110
(617) 720-2626

Arlinda F. Locklear, Esq. (D.C. Bar #962845)
alocklearesq@verizon.net
4113 Jenifer Street, NW
Washington, D.C. 20015
(202) 237-0933
Admission pro hac vice pending

Dated: August 15, 2016

Certificate Pursuant to Local Rule 7.1(A)(2)

I, Benjamin J. Wish, hereby certify that on behalf of prospective intervenor the Mashpee Wampanoag Indian Tribe and in accordance with Rule 7.1(A)(2) counsel for the Tribe has conferred with counsel for the plaintiffs and defendant in the above-captioned matter in a good faith attempt to narrow or resolve the issues raised by this motion. The Department of the Interior assents to permissive intervention of the Tribe, but not to intervention as of right. Plaintiffs oppose this motion.

/s/ Benjamin J. Wish
Benjamin J. Wish

Certificate of Service

I, Benjamin J. Wish, hereby certify that this document has been filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 15, 2016.

/s/ Benjamin J. Wish
Benjamin J. Wish